

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

American Society for Testing and
Materials; National Fire Protection
Association, Inc.; American Society
of Heating, Refrigerating, and Air-
Conditioning Engineers, Inc.,

Plaintiffs - Appellants

v.

Public.Resource.Org, Inc.,

Defendant - Appellee

No. 22-7063

**APPELLANTS' UNOPPOSED MOTION FOR LEAVE TO PERMIT
ADDITIONAL COUNSEL TO PRESENT ARGUMENT**

The Court's March 7, 2023 *per curiam* Order allots 15 minutes of argument time per side and allows each side to have one counsel argue the case.

Counsel for National Fire Protection Association, Inc., Kelly Klaus, will argue on behalf of Plaintiffs and is filing Form 72 with the Clerk of the Court.

Pursuant to D.C. Circuit Rule 27 and 34 and Federal Rule of Appellate Procedure 27, Plaintiffs - Appellants respectfully move for

leave to allow counsel for American Society for Testing and Materials d/b/a ASTM International (“ASTM”), J. Kevin Fee, to be heard at oral argument, in addition to Mr. Klaus. Plaintiffs respectfully submit that good cause exists to grant this motion because: there are 191 ASTM works in issue; counsel for ASTM would only present argument if there is a question from the panel or an issue specific to ASTM for which its own counsel would be best positioned to provide ASTM’s response; and counsel does not intend for this request to enlarge the total time for Plaintiffs to present argument. Plaintiffs further believe that Public.Resource.Org, Inc. will not be prejudiced. Moreover, Plaintiffs have contacted Public.Resource.Org’s counsel, which has stated that it does not oppose this motion.

Dated: March 08, 2023

Respectfully submitted,

s/J. Kevin Fee

J. KEVIN FEE

JANE W. WISE

DLA PIPER US LLP

500 Eighth Street, NW

Washington, DC 20004

T. 202.799.4441

F. 202.799.5441

kevin.fee@us.dlapiper.com

jane.wise@us.dlapiper.com

Stanley J. Panikowski

DLA PIPER LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101
Tel: (619) 699-2700
stanley.panikowski@us.dlapiper.com

*Counsel for Plaintiff-Appellant
American Society for Testing and
Materials d/b/a ASTM International*

Dated: March 8, 2023

s/Kelly M. Klaus

KELLY M. KLAUS
MUNGER, TOLLES & OLSON LLP
560 Mission St., 27th Floor
San Francisco, CA 94105
T. 415.512.4000
kelly.klaus@mto.com

ROSE L. EHLER
MUNGER, TOLLES & OLSON LLP
350 South Grand Ave., 50th Floor
Los Angeles, CA 90071
T. 213.683.9100
rose.ehler@mto.com

RACHEL G. MILLER-ZIEGLER
MUNGER, TOLLES & OLSON LLP
601 Massachusetts Ave. NW, Suite 500E
Washington, DC 20001
T. 202.220.1100
rachel.miller-ziegler@mto.com

*Counsel for Plaintiff-Appellant National
Fire Protection Association, Inc.*

Dated: March 8, 2023

s/David P. Mattern

JEFFREY S. BUCHOLTZ
DAVID P. MATTERN

KING & SPALDING LLP
1700 Pennsylvania Avenue, NW
Ste. 200
Washington, DC 20006-4707
T. 202.737.0500
jbucholtz@kslaw.com
dmattern@kslaw.com

*Counsel for Plaintiff-Appellant American
Society of Heating, Refrigerating, and
Air-Conditioning Engineers, Inc.*

CERTIFICATE OF COMPLIANCE

This document complies with the word limit of Fed. R. App. P. 27(d)(2) because this document contains 212 words as measured by the word-processing system used to prepare this brief, excluding exempted parts.

This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface in 14 point font.

Dated: March 8, 2023

s/J. Kevin Fee
J. Kevin Fee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8th day of March, 2023, a true and correct copy of APPELLANTS' UNOPPOSED MOTION FOR LEAVE TO PERMIT ADDITIONAL COUNSEL TO PRESENT ARGUMENT was electronically filed through the CM/ECF system, which caused all parties to be served by electronic means.

Dated: March 8, 2023

s/J. Kevin Fee
J. Kevin Fee